

Chimicles & Tikellis LLP

ATTORNEYS AT LAW

Conference adjourned to 9/24/08
at 9:15 a.m. See Court's
rules regarding the filing of
motions.

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SO ORDERED:

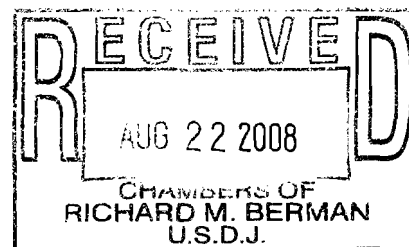
Date: 8/22/08

Richard M. Berman
Richard M. Berman, U.S.D.J.

August 21, 2008
VIA UPS DELIVERY

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Honorable Richard M. Berman
United States District Judge
United States District Court
Southern District of New York
United States Courthouse
40 Centre Street, Courtroom 706
New York, NY 10007



OF COUNSEL
Morris M. Shuster
Denise Davis Schwartzman
Anthony Allen Geyelin
David M. Maser

Re: *Hammond, et al v. Bank of New York Mellon Corporation, et al*,
Docket No. 1:08-cv-06060-RMB

MEMO ENDORSED

Dear Judge Berman:

**Attorneys admitted to
Jurisdiction other than PA*

Along with my co-counsel, I represent Tom Hammond, William H. Wicks, and Linda Young, plaintiffs in the above captioned matter. On July 8, 2008, we received a facsimile from Your Honor's Chambers regarding an initial pre-trial conference that is scheduled for September 2 at 9:00 a.m. in Courtroom 21D. I am writing to respectfully request that Your Honor adjourn this conference to a later date.

A similar case was filed against The Bank of New York Mellon Corporation ("BNY Mellon") in the United States District Court for the Southern District of Florida on June 9, 2008. *Walsh v. The Bank of New York Mellon Corporation*, Docket No. 9:08-cv-80616-KLR. In an effort to efficiently combine that case with the *Hammond* case pending in this Court, plaintiffs' counsel voluntarily dismissed the *Walsh* case on August 8. Plaintiffs' Counsel in the *Hammond* case and *Walsh* case anticipate that they will file an amended complaint in the *Hammond* case that will incorporate the plaintiffs and claims in *Walsh*. However, I respectfully request that the September 2 conference be rescheduled to a later date so

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Honorable Richard M. Berman
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that it can include plaintiffs' counsel from both the *Hammond* and *Walsh* cases.

Counsel for the *Hammond* and *Walsh* plaintiffs have conferred with counsel for Defendant BNY Mellon, who do not oppose adjourning the conference to a later date. Plaintiffs' counsel in the *Hammond* and *Walsh* cases, and counsel for BNY Mellon are all available on September 8, 17, 24, and 25. The undersigned respectfully requests that Your Honor reschedule the initial pre-trial conference for one of those dates, or for another date that is convenient to the Court. We understand that BNY Mellon plans to request permission to move to dismiss the proposed Amended Complaint. Plaintiffs' counsel will be prepared to discuss a proposed briefing schedule at the conference, and anticipate suggesting that BNY Mellon be provided with thirty (30) days to respond to the Amended Complaint once it is filed.

Respectfully submitted,


Joseph G. Sauder
(admitted *pro hac vice*)

cc: Judith S. Scolnick, Esq., Counsel for the *Hammond* Plaintiffs
Benjamin F. Johns Esq., Counsel for the *Hammond* Plaintiffs
Christopher G. Hayes, Esq., Counsel for the *Hammond* Plaintiffs
Stephen L. Ratner, Esq., Counsel for Defendant BNY Mellon
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Matthew H. Triggs, Esq., Counsel for Defendant BNY Mellon
Christopher T. McRae, Esq., Counsel for the *Walsh* Plaintiff
David J. Metcalf, Esq., Counsel for the *Walsh* Plaintiff
James S. Myers, Esq., Counsel for the *Walsh* Plaintiff
Richard Coffman, Esq., Counsel for the *Walsh* Plaintiff
John R. Wylie, Esq., Counsel for the *Walsh* Plaintiff

(all by electronic mail and U.S. Mail)